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MASTER AND SERVANT—FELLOW SERVANTS.—Plaintiff, while at work on defendant's telephone pole, was injured by coming in contact with a neighboring electric light wire. The injury was the result of the negligence of defendant's foreman in failing to turn off the current from the electric light wire, which he might have done under an agreement between defendant and the electric light company. *Held,* (SPRING and HISCOCK, JJ., dissenting) that the foreman was a fellow servant. *Anglin* v. *American Construction & Trading Co.* (1905), 96 N. Y. Supp. 49.

The dissenting opinion is based on the master's duty to provide a reasonably safe place for the servant to work in and points out that in the cases which the court relied on the question of a safe place was not involved. The modern tendency seems to be in the direction of enlarging the liability of the master to his servants, and there is considerable agitation in favor of the abrogation of the fellow servant doctrine. It has in fact been abrogated in Colorado by statute and, in many other jurisdictions, statutes looking the same way but less sweeping in their provisions have been enacted. Mr. Labatt condemns the fellow servant rule as without satisfactory basis, "logical, social, or economic." 2 LABATT, MASTER AND SERVANT (1904) § 754, also §§ 472-475. No one will seriously deny that an employer owes to his employees certain absolute and primary duties. Among these is that of providing a reasonably safe place in which to work. The master may undertake to discharge these absolute obligations himself or he may intrust their performance to another or others. Where a servant has been injured through the negligence of a co-servant and an attempt is made to hold the master liable, the inquiry should always be: Did the negligence consist in an act or omission connected with the ordinary routine of the employment or did it consist in a breach of one of the master's primary duties which had been delegated to the co-servant? When the doubt is resolved in favor of the second alternative, then the master's liability is fixed beyond question. If the test is a correct one, then it would seem that the plaintiff should have recovered in the principal case.

NEGLIGENCE—PROXIMATE CAUSE.—Plaintiff, while employed in defendant's saw mill, was injured by accidentally slipping and falling on a table bed which had been constructed to cover a saw when said saw was not in use. The table had been negligently left unsupported and plaintiff's weight brought his body against the saw. *Held,* that the negligence of the defendant was the proximate cause of the injury and a verdict for plaintiff will not be disturbed. *Winchel* v. *Goodyear* (1905), — Wis. —, 105 N. W. Rep. 824.

The case seems to be correctly decided but is interesting because of the concurring opinion of WINSLOW, J. He feared that the decision would be cited to show that there was an initial cause (the falling) which was not the proximate cause (the negligence of the defendant) and he objects to the language of SIEBECKER, J., who says that under such circumstances, the fact that other conditions and events not the result of the plaintiff's fault were involved does not relieve the negligent defendant from responsibility. It would seem that this statement is unobjectionable, for it simply recognizes the doctrine of remote and proximate causes. "The maxim of the law here